

ORIGINAL

(14)
4/2/01
vlf

FILED
HARRISBURG, PA

MAR 30 2001

MARY E. DANDREA, C.
Per eff Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CLEARY,

Plaintiff,

v.

KENNETH KYLER, et al.,

Defendants

Civil Action No. 1:CV-00-2125

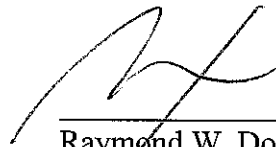
(Judge Caldwell)

**DEFENDANTS KYLER AND WARD'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Defendants Kyler and Ward, by and through their attorney, Raymond W. Dorian, Assistant Counsel for the Pennsylvania Department of Corrections, hereby move this Court, pursuant to Fed.R.Civ.P. 12(b)(6), to dismiss the Plaintiff's Complaint against them for failure to state a claim upon which relief may be granted and for such other grounds as set forth in the supporting brief.

WHEREFORE, the Defendants respectfully request that the Plaintiff's Complaint be dismissed with prejudice.

Respectfully submitted,



Raymond W. Dorian
Assistant Counsel
Attorney I.D. No. 48148

Attorney for Defendants Kyler and Ward
only

PA Department of Corrections
Office of Chief Counsel
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444

Dated: March 30, 2001

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CLEARY,

Plaintiff,

v.

KENNETH KYLER, et al.,

Defendants

:
:
:
:
:
:
:
:
:
:
:

Civil Action No. 1:CV-00-2125

(Judge Caldwell)


CERTIFICATE OF SERVICE

I hereby certify that I am this day depositing in the U.S. mail a true and correct copy of the foregoing Defendants' Motion to Dismiss upon the person(s) and in the manner indicated below.

Service by first-class mail
addressed as follows:

John Cleary, DF-5779
SCI-Pittsburgh
P.O. Box 99901
Pittsburgh, PA 15233

Howard Immschweiler
7043 Carlisle Pike, Box 327
Carlisle, PA 17013


Janelle C. Porr
Clerk Typist 2

PA Department of Corrections
Office of Chief Counsel
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444

Dated: March 30, 2001